

Appeal Decision

Site visit made on 4 November 2016

by D. M. Young BSc (Hons) MA MRTPI MIHE

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15th November 2016

Appeal Ref: APP/P1560/D/16/3155591

31 Kirby Road, Walton on the Naze, Essex CO14 8QT.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Peter Baldwin against the decision of Tendring District Council.
 - The application Ref 16/00406/FUL, dated 11 March 2016, was refused by notice dated 15 June 2016.
 - The development proposed is a first floor extension above existing ground floor projection.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor extension above existing ground floor projection at 31 Kirby Road, Walton on the Naze, Essex CO14 8QT in accordance with the terms of the application, Ref 16/00406/FUL, dated 11 March 2016 , subject to the conditions below:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan 1:1250, Drawing No:101 Rev B, Drawing No:102 Rev B and Drawing No:100.

Main Issues

2. The main issues are the effect of the proposal upon the character and appearance of the area and the living conditions of neighbouring occupiers with particular regards to light and outlook.

Reasons

Character and appearance

3. The appeal property is a part two storey, part single storey dwelling and forms part of an L-shaped block comprising three dwellings located on the south side of Kirby Road. The surrounding area is residential in nature with considerable variety in style and form of dwellings, which whilst not unattractive, is not in architectural or streetscape terms particularly notable or sensitive.
 4. Given its position relative to the highway and its red painted finish the dwelling is prominent in the Kirby Road street scene. However as there would be no changes to the facade there would be little effect on the street scene. Instead the modest infill extension would be located to the side of the dwelling albeit
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set back from the front elevation and would be constructed above the existing ground floor bathroom. It would be contained within the footprint of No 31 and thus would not project forward of the existing side elevation. Its roof would align with the existing roof both in terms of materials and pitch.

5. The Council argue that as the new roof would be out of keeping as it would be positioned perpendicular to the intersecting roof of Nos 33 and 35. However, whilst I accept there would be an inevitable change to the appearance of the dwelling, in my view this would be modest and not on a level that could reasonably be described as harmful to the wider area given the extension's inconspicuous location. In any event, the extension would be built atop an existing single storey extension, which by virtue of its anomalous squat proportions appears incongruous set against the surrounding two storey structures. Accordingly in my view, the development would improve the overall appearance of the host dwelling notwithstanding its unconventional relationship with No 35.
6. There would thus be no unacceptable effect on the character and appearance of the area and the development would accord with Saved Policies QL9 and QL11 of the "*Tendring District Local Plan 2007*" (the LP). There would also be no conflict with the National Planning Policy Framework. Collectively these seek high quality development that respects the character of its surroundings and retains features which make a positive contribution to the area.

Living conditions

7. The extension would be sited at close quarters to a first floor window to No 35. However this window is obscured glazed and accordingly there would be no significant loss of outlook.
8. I have noted concerns about loss of light to the other windows in the rear elevation of No 35 and overshadowing to the yard area. As I saw when I visited the site, the yard is already tightly enclosed by the rear elevations of the houses and a high wall running parallel to Cartbridge Close. Consequently it is already overshadowed for much of the day. Given size and orientation of the extension to the yard and windows of No 35 and the proximity of alternative outdoor space provision for occupiers, there would be no unacceptable loss of light to the occupiers of No 35.
9. Based on the foregoing I conclude that the development would accord with Saved Policy HG14 of the LP which seeks to safeguard neighbour amenity.

Conclusion

10. I have not been provided with any suggested conditions from the Council. I have therefore imposed conditions limiting the life of the planning permission and specifying the approved plans for the avoidance of doubt and in the interests of proper planning.
11. For the reasons given above, the development would be sustainable development in accordance with the Framework. I therefore conclude that the appeal should succeed.

D. M. Young

Inspector